IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.M.JAMES

FRIDAY, THE 3RD NOVEMBER 2006 / 12TH KARTHIKA 1928

Bail Appl..No. 6510 of 2006()

CRIME NO.332/2006 OF SAKTHIKULANGARA POLICE STATION
CRMP.4786/2006 of DISTRICT COURT, KOLLAM

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PETITIONER/ACCUSED

VIJAYAMMA, AGED 51 YEARS,
D/O.PONNAMMA, PARAMESHWARA VILASOM,
KUREEPUZHA, SAKTHIKULANGARA, KOLLAM.

BY ADV. SRI.RAJA VIJAYARAGHAVAN

RESPONDENTS: COMPLAINANT

STATE OF KERALA,
REP. BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR, SRI.P.N.SUKUMARAN

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 03/11/2006, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

J.M.JAMES, J.

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B.A. No. 6510 of 2006

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Dated this the 3rd day of November, 2006

O R D E R

The petitioner is before this Court for bail in Crime No.332/2006 of Sakthikulangara Police Station, for the offence punishable under Sections 302, 307 and 309 of the Indian Penal Code. The petitioner was living along with her daughter, Shobha, her son-in-law and the minor son of Shobha. It is submitted that her son-in-law had pledged a property, which she had assigned in favour of her daughter during the marriage, over which the petitioner had retained her life interest. He defaulted the payment of instalment due to the bank. Therefore, notice was issued and the property was attached. This has caused depression to the petitioner. In that depressive mood, she had taken out a chopper, cut and murdered the two year old child of Shobha and inflicted injuries on Shobha and also self inflicted injuries on her, as well. The petitioner was taken to the Medical College Hospital, Thiruvananthapuram, on 04/10/2006, the date of occurrence itself, and from there, she was sent back

to District Hospital, Kollam, on 09/10/2006, where she was attended by a Psychiatrist of that hospital. The counsel for the petitioner had produced Medical Certificate dated 30/10/2006 showing that the petitioner had been treated for Reactive Depression from 09/10/2006 as inpatient at District Hospital, Kollam. She had been advised to continue medicines for prevention of episodes.

2. The learned counsel for the petitioner submits that the petitioner was mentally ill at the time of occurrence, and, therefore, she was unaware of the acts committed by her, including the murder, the infliction of injury on her daughter and the self injuries, as well. The counsel prays that, therefore, she may be released on bail.

3. At this stage, this Court cannot come to a conclusion regarding the relative overt acts attributed against the petitioner in murdering a minor child, aged two years, as well as the other acts alleged against her. However, the certificate shows that she had been treated for Reactive Depression. Whether, the petitioner had any ailments because of the Reactive Depression and the acts committed at the time of

occurrence was because of such ailments under the influence of the disease, is a matter of facts and evidence. Therefore, in this bail application, I cannot jump into a conclusion basing on the submissions of the counsel, that the petitioner had acted due to mental disease.

4. The certificate itself, as stated above, shows that the petitioner is advised to continue medicines for prevention of episodes. It does not says that she is having continued ailments because of Reactive Depression. Nevertheless, I direct the prosecution to ensure that the petitioner is given medicines continuously for prevention of episodes of Reactive Depression.

5. The petitioner has to live with her daughter and other members of the family as the facts reveal. In such circumstances, I am not inclined to accept the plea of the counsel for the petitioner that she may be released on bail, at this stage. Therefore, I am not passing any order in favour of the petitioner, granting her bail. Hence, this is dismissed.

(J.M.JAMES)
Judge

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